IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 716 /2002

PETITIONER

Arjunlal Gahwai Aged about 54 years
Ex Cashier-cum-Clerk
S/o Sri Kali Ram Gahwai
Ameri Road, Shanti Nagar
Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State Bank of India
Through:Dy.General Manager
Zonal Office Shankar Nagar
Raipur Chhattisgarh

2. The Branch Manager
State Bank of India
Jagdalpur, Dist.Bastar

3. Presiding Officer
Central Govt.Industrial Tribunal
Wright Town
Jabalpur

P.A. No. 216/02
Presented by Shri Satish Gupta
dated 8/4/02

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 716 of 2002

Single Bench: Hon'ble Shri **Satish K. Agnihotri J.**

Arjunlal Gahawai

Vs.

State Bank of India and others

PRESENT: -

Shri V.G. Tamaskar, Advocate for the petitioner
Shri P. Diwakar, Senior Advocate with Shri P.R. Patankar, Advocate for the respondents.

ORDER

(Passed on 14th Day of December, 2006)

1. The petitioner has filed this writ petition under Article 226/227 of the Constitution of India challenging the validity of the award dated 10.12.2006 (Annexure P/1) passed by the Central Government Industrial Tribunal Cum Labour Court, Jabalpur in Case No. CGIT/LC/R/169/95.

2. Learned counsel appearing for the petitioner would submit that the impugned award is perverse on account of the fact that the case has been decided applying the provisions of 4th Bipartite Settlement.

3. Admittedly, 4th Bipartite Settlement came into force on 17th April, 1984 and the cause of action arose in the present case in the month of January, 1977. The provisions of 4th Bipartite Settlement cannot

be made applicable retrospectively when the said 4th Bipartite Settlement was not in existence. The order is clearly perverse on the ground of wrong application of 4th Bipartite Settlement. However, in the facts of this case, I do not wish to consider and decide the matter on merit.

4. In view of the above, the writ petition is allowed and the impugned award dated 10.12.2001 (Annexure P/1) is quashed. The matter is remitted back to the Central Government Industrial Tribunal Cum Labour Court, Jabalpur to decide the case, expeditiously, keeping in view the fact that the cause of action arose in January, 1977, within a period of two months from the date of receipt of a copy of this order.

5. The observation made hereinabove shall not come in the way of decision of this case on merit. The documents requisitioned from the Central Government Industrial Tribunal Cum Labour Court, Jabalpur be sent back forthwith. The parties shall appear before the Central Government Industrial Tribunal Cum Labour Court, Jabalpur on 5th January, 2007.

Certified copy by tomorrow.

Sd/-
Satish K. Agnihotri
Judge

Bablu